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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,801	09/27/2001	Tetsuya Miyano	P 282940 FG-172U	9163
23400	7590	10/20/2003	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			MELWANI, DINESH	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application N .

09/963,801

Applicant(s)

MIYANO ET AL.

Examiner

Dinesh N Melwani

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/23/03 has been entered.

Claim Rejections - 35 USC § 103

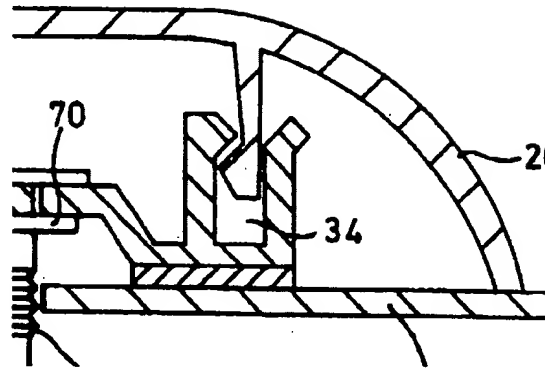
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan *et al.* (U.S. Patent No. 5,353,571) in view of Nomura *et al.* (U.S. Patent No. 4,268,079). Berdan discloses a mounting structure of a resin molded article substantially as claimed; wherein the resin molded article (18) comprises an elongated main body (24) and a plurality of clip mounting sections formed intermittently along a longitudinal direction, each clip mounting section is composed of a pair of mount ribs (26); wherein each mount rib is joined to the elongated main body at a proximal end (W in Fig. below), and the thickness of the proximal end of each mount rib is less than the thickness of the elongated main body, and each mount rib has a protrusion

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(28). The resin molded article is mounted to a body panel (16) via a clip comprising elements (36 and 66), see Fig. 5, wherein the clip has a latch claw (44) to be latched on the protrusion of the mount rib, a slip-proof lug (generally 50) provided opposite to the latch claw so as not to slip the latch claw from the protrusion, and an engagement portion (64) engaged with the body panel (16). The latch claw of the clip is latched at the protrusion of the mount rib to be mounted to the resin molded article, and the engagement portion of the clip is mounted to the body panel, thereby mounting the resin molded article to the body panel. Berdan does not disclose the mount rib or the latch claw includes a position-fixing section for fixing a position of the clip in the longitudinal direction of a resin-molded article. Nomura discloses a mounting structure that teaches the use of a position-fixing section; see Figs. 11-13 (generally 5, 11, and 13). For the purposes of clarification, Nomura's Figs. 11 and 13 disclose hooks (11) and recesses that receive clip (13) that prevent each other from moving longitudinally. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Nomura, in regards to a position-fixing structure on a mount rib or latch claw, to modify Berdan to facilitate rapid alignment of latching sections. Berdan's protrusions (28) are disclosed to be located on inside faces of mount ribs (26); wherein said protrusions face each other. However, Berdan also teaches that it is well known in art to create protrusions that face outward. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the location of said protrusions since it has been held that the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)..



Response to Arguments

4. Applicant's arguments filed 9/23/03 have been fully considered but they are not persuasive.
5. Applicant's request for rejoinder of claims 14-19 has been held in abeyance since no generic claim has been found to be allowable. Therefore, the claimed subject matter has not been considered because said claims are directed to a non-elected species.
6. The Applicant contends that the references fail to show a mount rib joined to the elongated main body at a proximal end; wherein said proximal end has a thickness less than that of the elongated main body. The Examiner respectfully disagrees. As shown in the above figure, the mount rib is joined to the elongated main body at a region having a thickness less than that of the elongated main body.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546.

The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM


ROBERT J. SANDY
PRIMARY EXAMINER